

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1716

AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 14-13-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The commission has ~~eleven (11)~~ members as follows:

(1) ~~One (1)~~ member appointed by the county executive of Lake County.

(2) ~~One (1)~~ member appointed by the county executive of Porter County.

(3) ~~One (1)~~ member appointed by the executive of Gary.

(4) ~~One (1)~~ member appointed by the executive of Hammond.

(5) ~~One (1)~~ member appointed by the director.

(6) ~~Six (6)~~ **five (5)** members appointed by the governor.

(b) Not more than six (6) members may belong to the same political party. The governor shall make appointments after all the others are made so that this requirement is feasible to implement.

(b) The governor shall appoint members of the commission so that the following requirements are met:

(1) One (1) member must be a representative of the department of natural resources. The member may not be an employee or elected official of a city, town, or county governmental unit.

(2) The remaining four (4) members must meet the following requirements:

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(A) Four (4) members must reside in a:

- (i) city;**
 - (ii) town; or**
 - (iii) township (if the member resides in an unincorporated area of the county);**
- that borders the Little Calumet River.**

(B) At least three (3) of the members must have a background in:

- (i) construction;**
- (ii) project management; or**
- (iii) flood control;**

or a similar professional background.

(C) A member may not be an employee or elected official of a city, town, or county governmental unit.

SECTION 2. IC 14-13-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The commission shall meet on call of any of the following:

- (1) The chairman.
- (2) The executive director.
- (3) Any three (3) members.

(b) ~~Six (6)~~ **Three (3)** commission members constitute a quorum.

SECTION 3. IC 14-13-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) The commission may provide for the construction, improvement, development, operation, and management of projects, including any facilities, betterments, and improvements that are part of projects, in the manner that the commission considers appropriate in furtherance of the purposes of this chapter.

(b) The commission may enter into:

- (1) a lease agreement as lessor or sublessor; or
- (2) an operation or a license agreement;

with respect to all or part of a site, a facility, a betterment, or an improvement that is part of projects with at least one (1) public or private person or entity, including political subdivisions of the state and public agencies, departments, and agencies, on the terms and conditions that the commission considers appropriate in furtherance of the purposes of this chapter.

(c) The commission shall provide or provide for the training and instruction of persons who are responsible for maintaining any levees or other improvements related to flood control under this article. The training and instruction must be sufficient to enable those persons to properly maintain the levees or other

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improvements related to flood control.

SECTION 4. IC 14-13-2-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 30. The commission is responsible for the safekeeping and deposit of money the commission receives under this chapter. The state board of accounts shall:**

- (1) prescribe the methods and forms for the keeping of; and**
- (2) annually audit;**

the accounts, records, and books of the commission and fund.

SECTION 5. IC 14-13-2-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 31. (a) Subject to subsection (c), before November 1 of each year, the commission shall make a report of the commission's activities to the following:**

- (1) The governor.**
- (2) The legislative council.**

(b) A report made to the legislative council under this section must be in an electronic format under IC 5-14-6.

(c) The governor may require the commission to issue reports more frequently than would otherwise be required under subsection (a).

SECTION 6. [EFFECTIVE JUNE 1, 2009] **(a) The definitions that apply to IC 14-13-2 also apply to this SECTION.**

(b) Notwithstanding IC 14-13-2-8, the terms of the members of the commission serving on June 30, 2009, expire on June 30, 2009.

(c) The governor shall appoint five (5) members to the commission under IC 14-13-2-7, as amended by this act. Notwithstanding IC 14-13-2-8, the members appointed under this SECTION have the following initial terms:

- (1) One (1) member has a term of one (1) year.**
- (2) One (1) member has a term of two (2) years.**
- (3) One (1) member has a term of three (3) years.**
- (4) Two (2) members have a term of four (4) years.**

(d) An individual appointed to the commission under subsection (c) becomes a member of the commission:

- (1) on July 1, 2009; or**
- (2) on the date of appointment, if that date follows July 1, 2009.**

However, for purposes of determining when the initial term of a member appointed under subsection (c) expires, July 1, 2009, shall be treated as the date on which the member's term began.

(e) This SECTION expires July 1, 2013.

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SECTION 7. **An emergency is declared for this act.**

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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